474 1584 Perfect

See Spotswood of the Ch. of Scotland, p. 434, &c. Also, Collier Eccl. Hist. of Gt. Brit. Vol. II; p. 654, &c.

THE

QVESTIONS TO BE RESOLVIT AT THE CONVENTION OF THE ESTAITS

and Generall Assemblie, appointed to be at the *Burgh of* PERTH *the last day of Februarie* nixt to come.

(1596?)

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A. b. 593.

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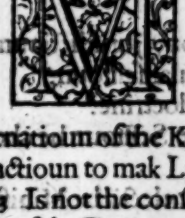
TO THE READER.

FORSAMEKIL as it is ane of the principall points of the office of a christian King, to see God richtly honoured in his Land, for effectuating quhairof, it is necessair that the spiritual office-beirers in the Kirk, not onely teache sounde Doctrine, concerning the points of Salvatioun, bot likewaies obserue sik ane comely order in the spirituall pollicie (agreing with the word of God, the lovable custome of the primitiue Kirk, and with the Lawis of the Cuntrie, and nature of the people for repressing the vices quhairvnto thay are chiefly inclined) as best may serue for to establish and maintaine the puritie of Religion. Thairfoir, it becumis every Christian King, as fathers nurishers of the Kirk, within thair dominions, and revengers of the brekis of baith the Tabillis, to strengthen and assist be the concurrance of thair civill sword, the saidis spiritual office-bearers in the dew execution of thair calling, and on the vther pairt, to compell thame to exercise faithfully thair office, according to the rule prescriuit to thame be the word of God, not suffering thame to transgresse the limites thairof in ony sort. WE thairfoir (hauing had dewe consideratioun heirof, and persaueing not onely a great libertie vsed in the applicatioun of the doctrine within our Cuntrie, without ony clear warrant of the Scripture as yet alleadgit for preving of the samin, as also a great obscuritie in divers points of discipline and pollicie of the kirk, novelties daily creeping in, the lauchfull authorities and warrands thairof not being as yet made manifest) haue thocht comely, following the lovable example of the Christian Emperours of the primitiue Kirk, To convene and assemble ane nationall counsell alswell of

the miniſterie as of our Eſtaits, and of all ſorts of men of deepeſt learning and greateſt ſinceritie in Religioun, To be haldin & to begin to ſit in our burgh of PERTH *the laſt of Februarie nixt to cum, gracelie to treat, reſſoun, conſult, and determine (according to the word of God as the onely rule) vpon the clearing and diſtinguiſhing of the ſpirituall Iuriſdictioun, alſwell in applicatioun of doctrine, as in the haill pollicie and government of the houſe of God. And to the effect, that all men may cum the better prepared to the ſaide Conventioun, being dewely forewarned and adviſed with the matteris that then are to be treated on.* WE *haue thocht gude to ſet down certane Articles thairof in forme of queſtiouns, as heirefter followis, taking God the ſearcher of all hearts to record, that our intentioun in this, is nawayes to trouble the reſt and peace of the Kirk, be thorny queſtiouns, or to claime to our tyrannicall or vnlauchful government over the ſamin, bot onely to ſee all ſik trubleſome queſtiouns ſolved at this time, quhilkis gif thay ſtill remaned in doubt, might ather in our time or in the time of our Succeſſoris breed ſlandrous debates: And that the pollicie of the Kirk be ſo cleared, as all corruptiouns may be weeded out of the ſamin, and nane ſuffered hereafter to creepe in, that thereby the glory of God may be advanced, all grounds of farther queſtions betuixt vs and the miniſterie may be remoued and a pleaſant harmony and mutuall concurrance betuixt vs may be eſtabliſhed to the great comfort of all gude men, and terror of the wicked.*

THE QVESTIONS TO BE RESOLuit at the convention of the Eſtaits and Generall Aſſemblie, appointed to be at the Burgh of PERTH the laſt day of Februarie nixt.



MAY not the matteris of the externall gubernatioun of the Kirk be diſputed, *Salva Fide & Religione?*

2 Is it the King ſeverally, or the Paſtor ſeverallie, or baith *coniunctim*, that ſuld eſtabliſh the actis anent the externall gubernatioun of the Kirke, or quhat is the forme of thair conjunctioun to mak Lawis?

3 Is not the conſent of the maiſt pairt of the flock, and alſo of the Patron, neceſſar in the electioun of the paſtors?

4 Is it lauchfull to the Paſtor to leaue his flock aganis thair willis, albeit he haue the conſent of the Presbyterie, And for quhat cauſe ſuld the Presbyterie conſent heirto?

5 Is it lauchfull to a Miniſter to vſe farther application nor that quhilk may edifie his awin flock, or is the hail warld the flock of every particular Paſtor?

6 Is he ane lauchfull Paſtor quha wantis *Impoſitionem manuum?*

7 Is it lauchfull to Paſtors to expreſſe particular menis names, Counſallis or Magiſtratis in pulpit, or ſo viuelie to deſcryue thame, that the people may vnderſtand quhome they may meane, without notorious declarit vices and private admonitiouns preceeding?

8 For quhilk vices ſuld admonitiouns and reprouing of Magiſtrates pas publictly from pulpits in thair abſence or preſence, *reſpectiue?*

9 Is

9 Is the applicatioun of doctrine in pulpits lauchfull, quhilk is foundit vpon informatiouns, bruitis, and rumoris, ſuſpitiounis, conditiounis gif this be and that be, probabiliteis, likelines, or vnlikelines of things to cum in civil maters, quhilk all may be fals, and conſequently the doctrine following thairvpon, or ſuld all applicatioun be vpon the veritie of knowne and notorious vices?

10 Is the text quhilk is read in the pulpit, The grounde quhairvpon all the doctrine ſuld be buildit, or may al things be ſpoken vpon all textis, ſo that the reading thairof is bot a Ceremonie?

11 May a ſimple Paſtor exerciſe ony jurisdictioun but conſent of the maiſt pairt of his particular ſeſſioun?

12 Is not his ſeſſioun judge to his doctrine?

13 Suld not the Moderator of the Seſſioun be choſen yearly of ony quha hes voite thairin?

14 May the Seſſioun be lauchfully electit be Miniſteris onely, but the conſent of the haill Congregatioun?

15 Quhy ſuld not Elders and Deacons of particulair Seſſiouns, be elected *ad vitam*?

16 Howe many Presbyteries is meit to be in the haill Cuntrie, in quhat places, and how many Paſtors of Kirks in ilk Presbyterie?

17 Suld not the Elderis and Deacons of ilk particulair Seſſioun haue voite in the presbyteries, or the Paſtors only?

18 Quhat is the matters of the jurisdictioun of the Presbyterie, quhilk may not be intreated in particular Seſſiouns?

19 Quhat forme of proceſſe in libelling, and citatioun, termes and dyettis, probatioun and pronunceing of the ſentence ſuld be vſed befoir the ſaidis particulair Seſſiouns and Presbyteries, *Reſpective*?

20 Quhat materis ſuld the Synodal intreat vpon, quhilk may not be decydit in the Presbyteries?

21 Suld not all quha hes voite in the Presbyteries, and als in the particulair Sessions, haue voite in the Synodall assemblies?

22 Suld ilk Vniversitie or ilk College, or ilk Maister or Regent within ilk College, haue voite in the Presbyteries or Synodallis in the Townes and Cuntreis quhair thay are, and siclike, quhat forme of voite suld thay haue in the generall Assemblie?

23 Is it lesum to convocat the Generall Assemblie by his Majesties licence, he being *Pius & christianus Magistratus*?

24 Is it necessair that the Generall Assemblie suld be ordinair, or onlie extraordinarly convenit for waichtie causses concerning the Kirk?

25 Hes not all men of gud learning and religioun voite in the generall Assemblie?

26 Is ilk particular Pastor oblised to repair to the Generall Assemblie, or is it sufficient that onely Commissionaris cum fra ilk particular Sessioun, Presbyterie or Synodall?

27 Quha suld chuse the Commissionaris to cum fra ilk Schyre to voite in the Generall Assemblie?

28 Quhat is the number of voiteris necessar to the lauchfulnes of the Generall Assemblie, and how many of the hail number suld be pastors, and how many vther men?

29 May ony thing be actit in the Assembly to the quhilk his Majestie consentis not.

30 Is it not expedient that the twa part of thame, quha hes *Ius suffragij*, suld consent to ony thingis decernit in Ecclesiasticall judgments, that materis passe not be ane voite ma or les?

31 Hes not ilk judgment inferior to the general Assemblie ane territor limitat, outwith the quhilk they haue no power of citatioun or jurisdictioun?

32 Quhat is the ordinair Ecclesiasticall judgment to the

disciplin

discipline of his Majesties houshold, and counsallis remouebill with his Majestie to ony part of the Realme?

33 Suld thair be libellit precepts contening the cause of the citatioun, and certificatioun of the censures before all Ecclesticall judgments, or only to answer *Super inquirendis?*

34 Hes the inferior judgment power to summond to compeir befoir ony superior judgment, or suld men be summonit only be the authority of that judgment befoir quhilk thay suld compeir?

35 Is it not necessair that privat admonitions, with reasonabill intervallis of tyme, pas befoir all maner of citations?

36 Quhat intervallis of time is necessair betwixt ilk priuat admonitioun and betwixt the last admonitioun, and the first citatioun, and betuixt the citatioun and the day of compeirance befoir ilk ane of the saidis judgements?

37 How many citatiouns suld infer contumacie?

38 Is simple contumacie but probatioun of a cryme, or is ony cryme but contumacie sufficient cause of excommunicatioun?

39 Is thair not divers kindes of censuris, sik as *Prohibitio privati conuictus, interdictio a cœna*, not published to the people, and last of all, *Publica traditio Satanæ?*

40 Suld the Presbyteries be Iudges of all thingis that importis sclaunder, and gif so be, quairof are thay not Iudges?

41 Can Excommunication be vsed aganis theiffis, murtheraris, vsuraris, or not payeris of thair debtis, and gif so it may be, quhy are not all the Bordour and Hieland theiffis cursed, as als all the manswering Merchants and Occurraris amangis the burrowis?

42 Is thair ony appellatioun fra the inferior to the superior judgment, and is not the sentence suspendit during the appellatioun?

43 Suld

43 Suld not all proceſſe and actis be extracted to parties hauand intereſt?

44 Is ſummar excommunication lauchfull in ony cace but admonitiouns and citatiouns preceding?

45 Hes ony vtheris nor the Paſtors of the Kirk voite in Excommunicationn?

46 Hes ilk Eccleſiaſticall judgment alike power to excommunicat?

47 Is it lauchfull to excommunicat ſik Papiſts as profeſſit never our Religion?

48 A woman being excommunicate, hauing a faithfull husband, thaireftir ſuld he abſtene fra her company?

49 Is it not reaſonabill that befoir ony letters of horning be grantit be the Seſſion vpon the proces of excommunication, that the partie ſuld be ſummonit to heir thame grantit?

50 Hes not a Chriſtian King power to annull ane notorious injuſt ſentence of Excommunicatioun?

51 May ony counſall or vniverſitie be excommunicat, for quhat cauſſe, quhome be, and manner thairof?

52 Quhen the paſtors dois not their duties, or qnhen ane juriſdictioun vſurps aboue ane vther, or ony vther ſchiſme fallis out, ſuld not a Chriſtian King mend ſik diſorders?

53 May faſtes for generall cauſes be proclaimed be ane Chriſtian Princes command?

54 May ony Eccleſiaſticall judgment compell ane man to ſweare *in ſuam turpitudinem?*

55 Suld thair ony thing be intreated in the Eccleſiaſticall judgement, prejudiciall to the ciuill juriſdictioun or priuate mens richtis, and may not the civil Magiſtrate lauchfullie ſtay all ſik proceding?